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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 **United States of America,**

13 Plaintiff,

14 v.

15 **Jose Escalera Aguilera,**

16 Defendant.  
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No. CR-12-90-RS

**Stipulation and [Proposed] Order  
Continuing November 27, 2012,  
Hearing Date to December 11, 2012**

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19 **STIPULATION**

20 This Court previously ordered Mr. Aguilera evaluated due to concerns regarding his  
21 competency and ability to assist his counsel with preparation for defense of his case. At the present  
22 date, counsel for both the government and defense have yet to receive the results of such evaluation.  
23 The parties thus stipulate to a continuance so that the parties can receive and review the results of  
24 the evaluation.

25 The parties also agree that the time between November 27, 2012, and December 11, 2012,  
26 (or some date thereafter convenient to the Court) should be excluded under the Speedy Trial Act;  
27 the continuance is necessary for effective preparation of counsel, 18 U.S.C. 3161(h)(7)(A) and  
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1 (h)(7)(B)(iv) and the ends of justice served by granting such a continuance outweigh the best  
2 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

3 SO STIPULATED.

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5 Dated: November 20, 2012

MELINDA HAAG  
United States Attorney

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8 /s/ Mark Kang  
J. MARK KANG  
Special Assistant United States Attorney

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10 Dated: November 20, 2012

/s/ Candis Mitchell  
CANDIS MITCHELL  
Attorney for Defendant

1 **[PROPOSED] ORDER**

2 For the reasons stated above, the Court continues the status hearing date from November 21,  
3 2012, to December 11, 2012.

4 IT IS FURTHER ORDERED that the time between November <sup>27</sup>~~21~~, 2012, and December 11,  
5 2012, should be excluded under the Speedy Trial Act; the continuance is necessary for effective  
6 preparation of counsel, 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(iv), and the ends of justice served  
7 by granting such a continuance outweigh the best interests of the public and the defendant in a  
8 speedy trial. 18 U.S.C. § 3161(h)(7)(A).

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10 SO ORDERED.

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14 DATED: 11/20/12

  
15 **THE HONORABLE RICHARD SEEBORG**  
16 United States District Judge  
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